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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Twentieth session
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Item 5 of the provisional agenda
Consideration of reports submitted by parties to the Convention under article 35

List of issues in relation to the initial report of the former Yugoslav Republic of Macedonia

Addendum

Replies of the former Yugoslav Republic of Macedonia to the list of issues*

[Date received: 13 July 2018]

* The present document is being issued without formal editing.

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A. Purpose and General Obligations (Articles 1–4)

Reply to question 1

1. The term disability is defined in the Republic of Macedonia's Constitution, where in Article 35 is stated that the Republic shall guarantee special protection to the persons with disabilities, as well as conditions for their inclusion in the social life. Bearing in mind this analogy and all laws which refer to the persons with disability, the same term shall apply.

Reply to question 2

2. Since this is a complex area where various policy aspects and different levels and service providers, protection against discrimination, equal access to services, independent living are included, the legislation has covered the following regulations: Law on Social Protection, Law on Family, Law on Children Protection, Law on Equal Opportunities for Men and Women, Law on Prevention and Protection against Discrimination, Law on Elementary Education, Law on Building, Law on Employment of Persons with Disabilities, Law on Ombudsman. Throughout the last period, many strategic documents have been adopted, where the Convention's goals have been defined: National Employment Strategy 2016–2020, Strategy on Occupational Safety and Health 2020, Action Plan for Youth Employment 2016–2020, National Strategy on Deinstitutionalization 2018–2027, Social Inclusion Programme, Action Plan for Prevention and Countering Sexual Abuse of Children and Paedophilia, National Strategy on Housing, National Strategy on Equalization of the Opportunities for People with Disabilities (revised) 2010–2018, National Strategy on Decreasing of Poverty and Social Exclusion, and National Action Plan for Gender Equality 2018–2020.

Reply to question 3

3. The National Coordination Body for Equal Rights of Persons with Disabilities shall be a governmental body which has been established in accordance with the standard rules for equal opportunities for persons with disabilities, UN Resolution 48/93, Rule No. 17 and shall consist of representatives from several relevant ministries as well as representatives from relevant National Disability Organizations. With the expiry of the abovementioned Strategy, the role of the National Coordination Body for Equal Rights of Persons with Disabilities from 1999 shall be replaced by two new bodies, the one has been established in May 2018 by the Government of the Republic of Macedonia — National Coordination Body for Implementation of the Convention of the United Nations on the Rights of Persons with Disabilities, composed of members from all relevant state institutions responsible for implementation and two members from civil society organizations of persons with disabilities.

Reply to question 4

4. The new Law on Prevention and Protection against Discrimination envisages three new provisions that define a Person with Disability, Appropriate Adjustment and Accessibility to Infrastructure, Goods and Services for Persons with Disabilities. Not complying with these provisions shall result in misdemeanour proceedings before the Misdemeanour Court. The law also prohibits any kind of discrimination including several areas that apply to all natural persons and legal entities. Also the "invalidity" is distinguished as a separate discriminatory basis.

B. Special rights (Articles 5 and 8–30)

Reply to question 5

5. The interests of persons with disabilities and the guaranteed legal protection on an equal grounds as others, are determined and protected by the Constitution of the Republic of Macedonia, the Law on Social Protection, the Law on Prevention, and Protection against Domestic Violence, the Law on Protection against Discrimination, the Law on Employment, the Law on Building, the Law on Children Protection, the Law on Elementary Education

and a number of strategic documents that are intended for the protection of the rights of persons with disabilities.

6. The Constitution of Republic of Macedonia states that all citizens are equal before the Constitution and the laws.

Reply to question 6

7. The existing Law on Prevention and Protection against Discrimination of 2010 does not define the corresponding adjustment in an appropriate manner, i.e. in the glossary of the law it is defined as follows: "Adjustment of the infrastructure and services shall mean taking appropriate measures necessary in a particular case to allow the person with mental and physical disabilities to have access to participate and advance in the work process, unless these measures impose disproportionate burdens on employers." In the new Law on Prevention and Protection against Discrimination, which shall be adopted, the appropriate adjustment shall be defined in accordance with the standards, i.e. in the following manner: The Appropriate adjustment shall be necessary as well as appropriate modification and adjustment necessary in a particular case, which does not cause disproportionate or unnecessary burdens, in order to ensure the application or exercise of all human rights and freedoms of persons with disabilities on equal grounds as others. Disabling of the appropriate adjustment is considered discrimination.

8. Also, Article 15 of the Law stipulates that the funds for the work of the Commission are to be allocated separately for the appropriate adjustment during the work of the Commission.

Reply to question 7

9. According to paragraph 32 of the Report, in the new Law on Prevention and Protection against Discrimination, the affirmative measures which shall be taken in order to achieve equality for certain groups of persons shall not be considered discrimination. Regarding the mandate and work of the Commission for Protection against Discrimination, in the new law, the most amendments are envisaged in this section in order to improve the work of the Commission. The Commission shall be professionalized with the new law, i.e. its previous work status shall pause and the members shall be permanently full-time employed in the Commission with 8 hours during the day. Establishing of an expert service for the Commission is also envisaged. A new Article in the law defines the method of financing the Commission, the mandate is divided into two parts of 3 and 5 years in order to achieve institutional memory.

C. Women with Disability (Article 6)

Reply to question 8 (a)

10. The Law on Equal Opportunities for Women and Men provides different measures to ensure equal opportunities between men and women, which means that there are no special provisions for equality and standardization of opportunities for girls and women with disabilities.

Reply to question 8 (b)

11. The Law on Equal Opportunities for Women and Men and the Law on Prevention and Protection against Discrimination, shall not envisage special provisions which separate the group of women and girls with special needs. Their rights are generally covered in the rest of the provisions of the Law which refer to all women and girls.

Reply to question 8 (c)

12. The National Strategy on Equal Rights of Persons with Disabilities (revised) 2010–2018 (paragraph 280) incorporates the concept of sensibility and gender equality. Also, in accordance with the principles of non-discrimination, contained in all basic international documents in the field of human rights, as well as the principle of equality, which has been revived since the Universal Declaration of Human Rights, the Republic of Macedonia and the area of protection of persons with disabilities has opted to guarantee these principles

with the Constitution, but should implement them through the legislation in practice. Special attention shall be put on women with disabilities and the children with developmental issues and special educational needs due to their potential greater vulnerability in their surroundings.

Children with Disability (Article 7)

Reply to question 9 (a)

13. In order to facilitate the acquisition of knowledge and the overcoming of elementary and secondary education for students with special educational needs included in the regular elementary/secondary schools, the school shall form an inclusive team comprised of the pedagogue, i.e. the psychologist in the school, the teacher of the student, the parent, student, special educator if there any in the school and, if necessary, the student's doctor may also be involved.

14. In 2017, the Ministry of Education adopted a Rulebook on the Number of Students with Special Educational Needs in a Class and the Manner and Criteria for Enrolment of Students with Disabilities in Elementary Schools.

15. The Ministry of Education and Science continuously provides 50 scholarships to student with special educational needs since 2012, and in 2017 the educational assistant in teaching service (140 educational assistants in 18 municipalities) has been promoted.

16. The Ministry of Labour and Social Policy is developing a network of day care centres, such as social services for children and adolescents with disabilities, and there is a total of 30 day care centres for various types of disabilities.

17. The Ministry of Labour and Social Policy keeps record of beneficiaries of special allowance in its record system, who amount to 7011 children. The amount of the special allowance for materially unsecured parents of children with developmental difficulties has been increased by 25% since June 2015.

Reply to question 9 (b)

18. We started to implement activities for introduction of a new model of functional assessment of children, which shall determine the potential of the child and what the child can achieve, but also what are the obstacles in the environment that prevent the child from reaching its full potential.

19. Currently, a revision on the programmes for the work of the day care centres for children with disabilities is performed, in order to make a transfer from "day care" to various types of service which do not segregate, but help the children to be included in the daily life of the community.

20. The National Strategy on Deinstitutionalization 2018–2027 shall provide transformation of the already existent institutions for childcare of children with disabilities, service development in the community and transferring of the beneficiaries. In June 2018, the first three children have been transferred from the Special Institute in Demir Kapija in a small group home in the Municipality of Negotino.

Reply to question 9 (c)

21. A special allowance is a monetary compensation for a child with special need, with disability in the physical or mental development or combined developmental disability, up to 26 years of age.

22. Within the Annual Programme of the Institute for Social Activities — Skopje, inspections have been conducted in the foster families on the territory of Republic of Macedonia, as well as an inspection in the files kept in the Inter-municipal Social Services Centre during March–April 2018.

23. A Training for Foster Families has been conducted, called "Sexuality, Sexual and Reproductive Health and Rights of the Persons with Disabilities".

Raising Awareness (Article 8)

Reply to question 10 (a)

24. MLSP in cooperation with the UNICEF Office conducted a campaign in order to mobilize public awareness and provide broad support to the rights and inclusion of children with disabilities. It was implemented as part of the regional Protecting Children from Violence and Promoting Social Inclusion of Children with Disabilities in Western Balkans and Turkey Project, funded by EU and co-funded by UNICEF.

25. In 2017, the See the Child not the Disability Campaign was conducted in cooperation between the Government, UNICEF and the partners for inclusion of children with disabilities.

26. UNICEF's campaign For a Fair World with a group of activists aimed to encourage an action that shall change the way the society looks at children with disabilities and the way it treats them.

Reply to question 10 (b)

27. The state shall consult and actively involve the Organizations for Persons with Disabilities in the design, execution, evaluation and monitoring of raising awareness activities.

Reply to question 10 (c)

28. The introduction of the WCAG standard for accessibility to web contents is translated into Macedonian language and published on the MISA web-site (wcag.mioa.gov.mk). During 2015/16, an initiative was implemented to use the WCAG standard for the availability of websites of the state administration bodies.

Accessibility (Article 9)

29. The procedures for servicing disabled persons and persons with reduced mobility when travelling by air are continuously implemented by the airport operator in accordance with the European Civil Aviation Conference Doc. 30 — Part One and Regulation No. 1107/2006.

30. Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air has been transposed in the Decree on Measures and Procedures for Facilitation of the Civil Aviation (Official Gazette of Republic of Macedonia No. 50/2011, 36/2013 and 26/2016).

31. Access to platform and Access to passenger train. With the reconstruction of the railway stations (IPA Project) and the purchase of 6 new passenger trains (with a loan from EBRD), the conditions for the use of rail transport by persons with disabilities have improved and have a non-discriminatory approach.

32. Progress has been made in the City of Skopje with the procurement of new buses that are adapted and accessible for people with physical disabilities.

33. The print media in Braille are not accessible to visually impaired persons, and due to this situation, the organizations for visually impaired persons print audio newspapers where, among everything else, articles of the printed media are inserted.

34. For deaf and hard of hearing persons there is a broadcast on the national television intended for the deaf, "In the world of silence" in order to make certain information available for this category of persons, and also the central news of the National television, as well as some of the broadcast of the private television stations are translated into sign language.

35. In accordance with the needs of the blind people, auxiliary tactile paths were set up for facilitating the movement in frequent places in the capital city of Skopje, but also in other cities throughout the Republic of Macedonia, depending on the space and the need.

36. A project on inclusive children's playgrounds, which included the creation of space with props for children with disabilities, was implemented.

Reply to question 11

37. The Building Inspectorate is the institution responsible for complying with the Law on Construction, and Article 8 of the Law clearly and unambiguously stipulates an uninterrupted access and movement to and from the building for public and business purposes and building with housing purposes, and buildings with housing and business purpose must be designed and constructed in such way that persons with disabilities shall be provided with uninterrupted access, movement, residence and work to and in the building.

Reply to question 12

38. The Government of the Republic of Macedonia shall implement an Action Plan for Improving the Accessibility to State and Public Institutions, i.e. conducting construction adjustments to the buildings in order to improve their accessibility for the persons with disabilities.

Reply to question 13

39. On the basis of submitted proposals by parents with disabilities (members of the working group) for improvement and better health care coverage, an Action Plan for Promotion of Health Care of Children/Persons with Disabilities with appropriate activities and concrete deadlines was prepared in June 2018, and it was submitted to the Government of the Republic of Macedonia.

Reply to question 14

- Development of family support programs, mobile services and services that shall assist the integration of persons with disabilities into the community;
- Development of support programs for foster families;
- Support of local and national organizations that shall develop and offer services to persons with disabilities;
- Early Detection, Diagnostic and Early Intervention Programs;
- Adequate and Quality Health Service Programs;
- Development of Housing Programs.

40. The funds for the implementation of measures were provided through the state budget, by the EU and IPA Instrument 2017, a project of the World Bank, UNICEF and UNDP.

Reply to question 15

41. In 2016, the Republic of Macedonia adopted the new Strategy on Equality and Non-discrimination for the period of 2016–2020, which envisages activities for women, girls and persons with special needs.

Right to Life (Article 10)

Reply to question 16

42. The right to life as basic human right is guaranteed with Article 10 of the Constitution of the Republic of Macedonia. The legal protection of life is operationalized in the Criminal Code which provides for several incriminations which refer to protection of the human life.

43. In accordance with Article 10 of the Constitution: No death penalty can be imposed on any grounds in the Republic of Macedonia. Republic of Macedonia is a contracting party to the Protocol 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms and Rights Concerning the Abolition of Death Penalty.

44. The following activities are undertaken by the gynaecologists and patronage nurses and partly in secondary health care by hospital gynaecologists within the measures for prevention of unwanted pregnancy:

45. The Republic of Macedonia belongs to the group of countries with an average abortion rate.

Situations of risk and humanitarian emergencies (Article 11)

Reply to question 17

46. The Institute for Social Activities conducted a training of 288 persons (professionals from Social Work Centre and participants from NGOs and the civil sector) for working with children in risky situations caused by emergencies and intervention in emergency situations, including children with disabilities. A module for "Working with children in humanitarian emergences caused by natural disasters, war and internal conflicts" was also prepared.

Equal Recognition before the Law (Article 12)

Reply to question 18

47. Regarding the changes in the legislation, a change in the Family Law is envisaged in 2019. The procedure for deprivation of business ability is court procedure regulated with the Law on Extrajudicial Procedure in the competence of the Ministry of Justice.

Reply to question 19

48. In the Republic of Macedonia, the alternative deprivation of business ability is not introduced, and the partial deprivation of business ability which is less restrictive in practice, is very little used.

Access to Justice (Article 13)

Reply to question 20

49. Article 9 of the Law on the Criminal Procedure regulates the right to a translator, that is, an interpreter:

(a) The defendant, the injured party, the private plaintiff, the witnesses and all other participants in the procedure who speak an official language other than the Macedonian language shall have the right to use their own language and alphabet during the proceedings;

(b) The parties, witnesses and participants in the procedure before the court shall have the right to a free assistance from a translator, i.e. an interpreter, if they do not understand or speak the language used during the proceedings;

(c) The entity that conducts the procedure shall ensure verbal interpretation of what the person or others say and present, as well as of any documents and other written exhibits and evidence. The entity that conducts the procedure shall ensure written translation of written material that is important for the procedure or the defense of the accused;

(d) The person shall be advised of their right to a translator i.e. an interpreter. The record shall indicate that the person was advised, and it shall note the person's response in this regard;

(e) The translation shall be performed by a court approved translator i.e. interpreter.

50. This guarantee is contained in the relevant procedural laws: the Law on the General Administrative Procedure and the Law on the Litigation Procedure.

51. Furthermore, the Law on the Criminal Procedure guarantees the right to legal aid, and the Law on Free Legal Aid regulates guarantees the right to free of charge legal aid.

Reply to question 21

52. As part of the training program for judges and public prosecutors, regular and continuous training on international human rights instruments, including the Convention on the Rights of Persons with Disabilities, is delivered in the Academy for Judges and Public Prosecutors.

Reply to question 22

53. There is no statistics on the number of domestic violence victims who are persons with disabilities as a special category of domestic violence victims.

Freedom and Security of the Person (Article 14)

Reply to question 23

54. Persons with disabilities deprived from freedom shall be treated in accordance with the European Convention on Freedom from Torture and Inhuman or Degrading Treatment or Punishment, as well as the standards and recommendation by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in the Council of Europe (CPT) and the National Preventive Mechanism operating within the Office of the Ombudsman of the Republic of Macedonia.

55. There is a moratorium on new accommodation in institutions of social protection since 2017, and the Ministry of Labour and Social Policy sent a letter to all public institutions and social work centres not to accommodate beneficiaries in the institutions and to seek for alternative non-institutional forms of their care.

Reply to question 24

56. As part of the Project for Reconstruction of Detention and Correctional Institutions and Reformatories (Kumanovo Penitentiary, Skopje Penitentiary, Detention and Correctional Institution Idrizovo, and Tetovo Reformatory) financed with a loan from the Council of Europe Development Bank, the Kumanovo Penitentiary was built and began functioning in mid-November 2013; unimpeded access to the penitentiary is provided, that is, this institution has an accessibility ramp for inmates with disabilities.

57. Furthermore, as part of the aforesaid project, an accessibility ramp for inmates with disabilities was also built in the Detention and Correctional Institution Idrizovo. Additionally, 11 special cells in the closed, semi-open and open units and in the women's unit of this institution, where a total of 20 inmates from this vulnerable category could be placed, are also envisaged. The units of the Detention and Correctional Institution Idrizovo mentioned above are also provided with accessibility facilities enabling their independent movement, such as: entrance area, toilets, baths, shower rooms and other facilities, in compliance with the Book of Regulations on the Manner of Providing Unimpeded Access, Movement (horizontal and vertical), Stay and Work of Persons with Disabilities.

58. We would like to underscore that the buildings of the semi-open and open units within the Detention and Correctional Institution Idrizovo have been completely finished and equipped, and are expected to start functioning in near future; the construction of the closed department is expected to commence in the period from 2019 to 2022.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15)

Reply to question 25

59. The treatment of inmates serving a prison sentence in detention and correctional institutions is regulated by the Law on Execution of Sanctions and by bylaws. To be precise, Article 4 of this Law stipulates that the rules for execution of sanctions shall be applied impartially. Furthermore, Article 6 of the Law on Execution of Sanctions stipulates that persons against whom sanctions are being applied shall be treated humanely, by respecting their personality and dignity, preserving their physical and mental health, whilst also considering the achievement of the goals of certain sanctions.

60. As regards the manner in which employees of detention and correctional institutions treat inmates in terms of prohibition of torture, violence and inadequate treatment, the Directorate for Execution of Sanctions prepared special strategies for zero tolerance of such conduct, specifically: the Strategy for Implementation of the Policy of Zero Tolerance for Inadequate Treatment, as well as an Anti-Corruption Plan, which were adopted by the Directorate for Execution of Sanctions in March 2017.

61. Three one-day trainings were delivered from February 20 to February 22, 2017, to raise the awareness of the managing staff and the other prison personnel with the aim of familiarizing them with the new Strategy for Implementation of the Policy of Zero Tolerance for Inadequate Treatment, as well as with the Anti-Corruption Plan. The trainings were delivered to a total of 90 persons from the penitentiary system.

62. Furthermore, pursuant to the National Strategy for Development of the Penitentiary System in the Republic of Macedonia, a Standard Operational Protocol for Keeping Records and Reporting, i.e. for the use of means of coercion, was also prepared, and, in May 2017, it started being implemented in all detention and correctional institutions and reformatories.

63. Moreover, in compliance with the National Strategy, a Code of Conduct of Prison Personnel in Detention and Correctional Institutions and Reformatories was drawn up. In February 2018, the Code was published in the "Official Gazette of the Republic of Macedonia" and was printed, and in April 2018 trainings were delivered to employees of detention and correctional institutions and reformatories for the purposes of presenting the Code, after which it was distributed to the entire prison staff.

64. Furthermore, the Directorate for Execution of Sanctions started delivering continuous training to the prison staff, including training on human rights, to prevent ill-treatment in prison conditions. To that aim, in compliance with the Annual Training Plan for Prison Police Members for 2017, in the period April–May 2017, trainings on the topics of "International and National Standards in the Area of Execution of Sanctions" and "Human Rights in Prison Conditions" were delivered in the Training Center of the Detention and Correctional Institution Idrizovo by two representatives of the Bureau for Representation of the Republic of Macedonia before the European Court of Human Rights. The trainings covered 221 employees of the prison police and the departments for resocialization from the detention and correctional institutions.

65. What is more, on May 17, 2017, a Memorandum of Cooperation between the Directorate for Execution of Sanctions and the State Anti-Corruption Commission was signed, in compliance with which members of the State Anti-Corruption Commission delivered training to prison personnel, covering 24 employees of the departments for resocialization and the prison police from four detention and correctional institutions.

66. The Directorate for Execution of Sanctions emphasizes that the above-mentioned trainings of the employees of the detention and correctional institutions and reformatories that refer to the manner of treatment of inmates also include the treatment of inmates with disabilities. Therefore, even though no special programs have been prepared for this category of persons, they are included in the process of resocialization through the existing regular programs and activities, governed by the principle of individuality of Article 5 of the Law on Execution of Sanctions, which states that persons against whom sanctions are being applied shall be treated in a manner which, to the extent possible, corresponds to their personality.

67. In Article 142: Torture and other cruel, inhuman or degrading treatment and punishment, and Article 143: Mistreatment in performing a duty, the Criminal Code of the Republic of Macedonia criminalizes the acts of torture. Provisions for criminal-legal protection against torture are also contained in the Law on the Criminal Procedure.

Freedom from exploitation, violence and abuse (Article 16)

Reply to question 26

68. In 2015, a new Law on Prevention and Protection against Family Violence was adopted, which is the first special systematic law in this area and which promotes and

established comprehensive and coordinated system for prevention and protection against the family violence.

69. In 2017, the Republic of Macedonia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

70. Pursuant to the Law on Prevention and Protection against Domestic Violence, in relation to the urgency of acting upon, Article 7 stipulates that "Officials in the institutions performing activities in the field of social protection, home affairs, health, child protection and education, as well as competent courts shall be obliged to act urgently in domestic violence procedures, with due attention to the victim's interests and needs, especially when the victim is a child, old person, a person who is unable to take care for himself/herself and person with limited or deprived business ability".

Reply to question 27

71. Regarding the statistical data, the Ministry of Labour and Social Policy does not keep unified statistics on the victims of domestic violence for persons with disabilities.

Protection of the Person's Integrity (Article 17)

Reply to question 28

72. There is no specific part regarding persons with disabilities.

Independent Living and Inclusion in the Community (Article 19)

Reply to question 29

73. The National Strategy on Equalization of the Opportunities for People with Disabilities (revised) 2010–2018 envisages measures for providing equal access to appropriate services, means and other assistance for persons with disabilities, for the purposes for meeting the needs connected to the disability, including development of housing programmes.

74. The foster family model operates in Republic of Macedonia, and a total of 123 children with different level of disability have been fostered in these foster families, and currently, the UNICEF and MLSP campaign for increasing the number of foster families is active.

75. The Ministry of Labour and Social Policy has a developed network of 30 day-care centres, such as social services for children and adolescents with disabilities, and 2 services for independent living with assistance for a total of 85 beneficiaries.

76. A programme for personal assistance for persons with disabilities has been implemented in 2018. Beneficiaries of this programme, completely funded by the MLSP budget, are persons with more serious and severe physical disability, as well as completely blind persons.

Reply to question 30

77. The Ministry of Labour and Social Policy, in collaboration with the Technical Assistance for Support of the Deinstitutionalization Process of the Social Sector Project of the EU Delegation, has prepared a new National Strategy on Deinstitutionalization 2018–2027, which envisages transformation of the current institutions for social protection, as well as transferring the beneficiaries into the community by establishing services for non-institutional protection at local level, in accordance with already developed action plan. For this purpose, transformational plans are being developed for all institutions for children/persons with disabilities, containing concrete activities and implementation deadlines. The MLSP has publically pledged to not have any children placed in institutions to 2020, as well as to complete the transformation of the Demir Kapija Special Institute.

Reply to question 31

78. Pursuant to the Law on Social Protection, the exercise of the right to blindness allowance, the mobility allowance, and the deafness allowance shall be determined, as well

as the compensational disability rights, and the Personal Assistance Programme has been implemented.

79. During the following period, the preparation of the Assistance and House Care Programme shall start.

Personal Mobility (Article 20)

Reply to question 32

80. The personal assistance, as a social protection service, shall cover assistance to persons with physical disability and completely blind persons with performing daily personal and domestic activities, socialization activities, and activities for participation in education and the labour market. In 2018, 100 persons have been included.

81. The educational and personal assistants during classes shall provide support to the children with disabilities throughout the educational process.

82. During the 2017/2018 school year, starting from October 1st, 2017, up to June 1st, 2018, a total of 140 assistants have been engaged:

- 106 educational assistants, out of whom 97 women and 9 men;
- 34 educational assistants, out of whom 30 women and 4 men.

83. The services have been available to students from 18 municipalities, who participated in classes in 60 schools, 57 elementary and 3 secondary schools.

Reply to question 33

84. During 2017, around 212.000,00 medical devices have been issued, out of which the majority were orthopaedic medical devices. Based on the data regarding the issued orthopaedic medical devices by the Health Insurance Fond of Republic of Macedonia, it may be concluded that the majority of the issued medical devices belong to the subgroup of other medical devices, which are not intended for persons with disabilities, such as prosthetics, orthopaedic orthogenesis, wheelchairs, additional components for wheelchairs, medical devices for eyes, medical devices for ears, etc.

Freedom of Expression and Opinion, and Access to Information (Article 21)

Reply to question 34

85. The Ministry of Labour and Social Policy, bearing in mind the needs of blind persons (pupils, students, members) has provided recording of 400 titles of audio books. The titles are editions of the Ministry of Culture (world classics, novels, fiction).

86. All Ministries and the self-government bodies, have updated their websites for the purpose of meeting the WCAG (Web Content Accessibility Guidelines) criteria 2.0 standard, to AA level, thus providing content creation, accessible for persons with different type and degree of disability.

87. An E-Inclusion Strategy has been developed, pursuant to the criteria in Republic of Macedonia and the international criteria, and special software for reading Macedonian contents on the Internet for blind persons with synthesized speech has been developed.

88. A Site guide has been developed by the MIOA Team, for WCAG 2.0, and it can be found on http://wcag.mioa.gov.mk./.

Respect for the Home and the Family (Article 23)

Reply to question 35

89. Certain provisions of the Law on Family which refer to the marital obstacles for marriage are envisaged with the codification of family legislation conducted in 1992. They shall aim to regulate the marriage of persons who are able understand the meaning of marriage and the rights and obligations arising from it. Comprehensive changes in family legislation are planned to be made in the course of 2019, by evaluating the need of change in this area.

Education (Article 24)

Reply to question 36

91. Appropriate conditions shall be provided for student with special educational needs for obtaining elementary education in both regular and special schools, and they shall have the right of individual help for obtaining elementary education.

91 Through the Project for Modernization of the Education among the school funds, in the funds formula, more funds shall be provided if the school has children with special needs.

92. With the legal amendments of the Law on Elementary Education, it shall be envisaged the school to establish an inclusion team for students with special educational needs, enrolled in regular elementary schools.

93. Scholarships for special needs students have been provided.

94 A Rulebook on the Number of Students with Special Educational Needs in a Class and the Manner and Criteria for Enrolment of Students with Disabilities in Elementary Schools has been adopted (Official Gazette of Republic of Macedonia No. 136/2017).

95. In the new Law on Elementary and Secondary Education, personal educational assistants have been envisaged, who shall be implemented in the educational system as a support for this category of children.

96. For the needs of this category of children, 112 new special education teachers have been employed.

Reply to question 37

97. The Inclusive Education for Elementary Schools Programme began its implementation in 2014. A total of 31 schools were included in the Programme between 2014 and 2017. All schools, by a manner of dissemination, have passed the three training modules:

- Module 1: Inclusive education — Vision, Theory and Concepts;
- Module 2: Inclusive education — Working together for inclusive schools development;
- Module 3: Environments which help individualized learning.

98. In 2017, 11 elementary schools have been included within the UNICEF's project for Thinking Mathematics, Language Literacy in Early Grades and Inclusive Education for Vulnerable Student Groups, and the Inclusive Education for Vulnerable Student Groups Programme.

99. Between 2014 and 2018, as a support for the teachers, many materials have been developed, and they may be found on the following website: https://www.unicef.org/tfyrmacedonia/macedonian/resources.html.

100. Guidelines for effective organization of the work of the inclusive team/teams in the school and online training which the Bureau for Development of Education developed as an introduction to inclusive education (based on the Teacher Training Modules) were provided in the Guide for Work of the Inclusive Team https://www.unicef.org/tfyrmacedonia/macedonian/Vodic_za_rabota_na_UIT-WEB(1).pdf.

Reply to question 38

101. In order to establish better conditions and provide access to all children, especially children with disabilities, and their inclusion in pre-school institutions, in the past period, a process of employing professional staff has been initiated in order to fill the appropriate expert teams (pedagogue, psychologist, special education teacher, speech therapist and social worker).

102. In order to promote the inclusive practices and the possibility of involving a larger number of children with disabilities in the institutions for preschool children, in the period from March 2015 to December 2017, trainings were held on the following topic:

Developing the Capacities of Pre-school Institutions to Improve Inclusive Practices in 20 Institutions for Children — Kindergarten.

Reply to question 39

103. All undertaken activities, referred to in Annex No. 36, are a result of previously detected shortcomings and weaknesses/indications by the Ombudsman, for the purpose of assisting students with special educational needs.

Health (Article 25)

Reply to question 40

104. For the smooth use of orthopaedic and other medical devices, there is a legal and by-law regulation with clearly defined content and medically established indications under which the right to use them can be exercised, i.e. the Law on Health Insurance and the Rulebook on Indications for Exercising the Right to Orthopaedic and Medical Devices.

105. In May 2018, the Ministry of Health adopted a new revised text of the Action Plan for improving the health care of children and persons with disabilities with specific activities among which a continuous obligation for analysis and monitoring of the implementation of the general acts of the Health Insurance Fund of Macedonia regarding the provision of the right to orthopaedic and other medical devices has been established.

Reply to question 41

106. Through the Programme for Active Health Protection of Mothers and Children, the Ministry of Health shall provide funds for performing early detection of diseases among new-borns, infants and young children, such as: prenatal screening for malformations of the cardiovascular system for early detection of congenital heart disease in neonatology, thyroid screening in all new-borns, detection of metabolic diseases such as selective screening by indication in children who are treated in the infirmary or hospital within the Clinic for Children's Diseases, screening for early detection of visual impairment in infants under health risk and neonatal screening for hearing loss in new-borns.

107. The Ministry of Health shall also take care of the implementation of the Guidelines for Antenatal Care in Pregnancy and shall ensure implementation of a set of measures for: protecting the health of the pregnant woman and proper development of the foetus.

108. National Centre for Diagnostics and Treatment of Autism is planned to be opened.

109. In accordance with the Action Plan for improving the health care of children and persons with disabilities, the Ministry of Health has established a specific obligation to develop a "Standardized operational procedure for early detection and treatment of children with disabilities from diseases and their rehabilitation". The introduction of a mechanism to reduce waiting times for all diagnostic procedures in case of suspected diagnosis of diseases in children with disabilities, as well as raising the standards for treatment of children with disabilities is also envisaged.

Reply to question 42

110. Pursuant to the Law on Health Records, there are several types of forms in the Republic of Macedonia where the necessary data are systematized monthly, every six-months and annually, which should reflect the current situation with appropriate indicators used for monitoring and studying the health status of the population.

111. The Ministry of Health has introduced computerisation of the healthcare, i.e. integrated data in a single information system under the name of Moj Termin (My Appointment).

Reply to question 43

112. In accordance with the constitutional provisions, the Law on Health Protection regulates the individual aspects of the right to health, i.e. the right of every citizen to the highest possible standard of health care, with no psychological and physical abuse, and with full respect for the dignity of his/her personality and in his/her best interest.

113. The Law on Health Protection regulates the rights to health protection of citizens and the system and organization of health care. In accordance with Article 3, paragraph 1 of the same Law, "everyone has the right to health protection".

114. In accordance with Article 9 of the same Law, the principle of justice in health care is exercised by prohibition of discrimination in the provision of health care in relation to race, sex, age, nationality, social origin, religion, political or other opinion, property, culture, language, type of illness, psychological or physical disability.

115. The Law on Protection of Patients' Rights, Article 3, item 3, regulates the principle of availability;

Reply to question 44

116. In order to strengthen the capacity of persons with disabilities to make independent and informed decisions regarding their life and sexual and reproductive health, in 2015, the Ministry of Labour and Social Policy (MLSP) introduced the module for sexual and reproductive health in the program of the day care centres for persons with disabilities. In that direction, in 2016, in cooperation with the Institute for Social Activities (ISA), trainings for capacity building of the professionals were conducted — 103 professionals (14 foster careers, 42 people from the day care centres for persons with disabilities and 47 employees of the public institutions for care of persons with disabilities) have acquired information and skills in the area of Sexual and Reproductive Health (SRH) and additionally prepared an individual plan for further education of the beneficiaries they work with through trainings.

117. In addition, Trainings for Prevention, Recognition and Reporting of Sexual Abuse covered 74 foster families of persons with disabilities.

118. In the period from September to December 2016, and in accordance with the prepared AP and the working module, the professionals in the day care centres and the institutions covered by the trainings carried out educational sessions with persons with disabilities. The educational sessions covered 170 people.

Habilitation and rehabilitation (Article 26)

Reply to question 45

119. MLSP focuses on improving the methods of work in residential institutions, for which a series of workshops were held to introduce the methodology of personal planning.

120. Also, a Student's Camp was held in the PI Special Institute Demir Kapija which was attended by the students from the universities of Skopje and Ljubljana, and the employees from the institution in order to strengthen the support capacities.

121. With the support of UNICEF, MLSP implemented the project "Provision of Specialized Support for Children with Disabilities" at the PI Special Institute Demir Kapija, engaged an intensive interactional therapy expert to help a team of professionals to prepare children for life outside the institution.

122. The Ministry of Labour and Social Policy, together with the United Nations Development Programme, implemented a Project for Work Oriented Rehabilitation, and this Project included 23 persons with disabilities, for which individual plans were prepared, and 15 professionals passed the training for "case managers".

123. Through UNDP, an expert support was provided from the European Network of Social Providers in the transformation of institutions and training plans for employees.

Reply to question 46

124. The Centre for support of persons with visual impairment at the Red Cross of the City of Skopje provides daily support to persons with visual impairment such as: professional employment trainings, mobility, access to services and lobbying. The Support Centre is Social Service intended for raising the capacities of visually impaired persons.

125. The Ministry of Labour and Social Policy has implemented the service Spa-climate recreation of pension beneficiaries for 2018, who exercise the right to a mobility or

blindness allowance, and they have the right to a companion during the spa-climate recreation.

Work and Employment (Article 27)

Reply to question 47

126. Subsidizing employment of disabled people is one of the measures envisaged in the Programme for subsidizing employment, in accordance with the annual Operational plans for active employment programs and measures.

127. Within the available financial funds of the Special Fund, non-refundable funds shall be granted for the employment of disabled persons for an indefinite period of time, for job adaptation, for equipment procurement, for work training of disabled persons for the purpose of employment and working assistant.

128. In accordance with the programme activities for the employment of persons with disabilities for 2018, the Ministry of Labour and Social Policy shall begin to develop the process of professional rehabilitation of this category of citizens by opening rehabilitation centres.

Reply to question 48

129. Amendments and supplements to the Law on Employment of Persons with Disabilities have been implemented, which shall further regulate the procedure for allocation of funds from the Special Fund for the purpose of intended use of the allocated funds and the manner of conducting an inspection of the use of these funds. According to the amendments, the monitoring shall be conducted by the Ministry of Labour and Social Policy, the Employment Service Agency of the Republic of Macedonia and the Management Board of the Agency, through the inspection of the intended use of the allocated funds from the Special Funds in accordance with this Law.

Reply to question 49

130. The procedure for the employment of 300 persons with disabilities in public enterprises has completed.

Adequate Standard of Living and Social Protection (Article 28)

Reply to question 50

131. Persons with disabilities are recognized and included with appropriate measures for improving the conditions in each of the areas of the National Strategy on Poverty Reduction and Social Exclusion in the area of employment, education, social and health protection, transport communications and housing, and especially in Area 7 "Support to vulnerable groups", which proposes a number of measures for persons with disabilities as a separate vulnerable group.

Reply to question 51

132. The implementation of the Strategy is observed through monitoring and evaluation by the National Coordinative Body for Equal Rights of Persons with Disabilities in Republic of Macedonia and their sectorial working groups.

Reply to question 52

133. Right to financial compensation for assistance and care by another person shall have a person over 26 years of age, with moderate, severe and profound mental disabilities, person with severe and most severe physical disability, completely blind person, as well as person with permanent changes in the health condition:

- Blindness and mobility allowance, and deafness allowance;
- A Programme for reimbursement of funds for the purchase of passenger car intended for people with disabilities, which was implemented for the first time in 2016.

Participation in Political and Public Life (Article 29)

134. Within the Assembly of Republic of Macedonia, an inter-party parliamentary group was formed composed of representatives of all the political parties in the Assembly regarding the rights of persons with disabilities in order to promote their rights.

Reply to question 53

135. Pursuant to Article 112-a of the Electoral Code: The electoral board shall be obliged to enable the voting of a voter who is a person with disabilities who cannot enter the polling station and vote in accordance with this Code, in compliance with the Guidelines of the State Election Commission.

Statistics and Data Collection (Article 31)

Reply to question 54

136. The set of questions is in accordance with the recommendations of the Washington Group on Disability Statistics which deals with the data and their provision through population census. The data are planned to be provided by implementing the next census scheduled for the period of 1–21 April 2020.

Reply to question 55

137. The Law on National Database for Persons with Disabilities regulates the implementation and operation of the National database for persons with disabilities, data processing in the database, and use of data in the database, data security and supervision over the functioning of the database. During 2018, the processes for establishing the database of persons with disabilities shall be defined.

138. MLSP has data on all the users of rights derived from disability.

International Cooperation (Article 32)

Reply to question 56

139. In the past period, with the support of the European Union and other development partners, many different programmes, projects, initiatives and measures were implemented and aimed towards improving the situation and social inclusion of persons with disabilities in the Republic of Macedonia.

140. The project "Promotion of Social Inclusion Services", financed by the European Union (IPA Component 4), was implemented by July 2017.

141. Grant projects within the two EU-funded grant schemes (IPA Component 4), "Encouraging Social Inclusion" and "Promotion of Social Inclusion at Local Level". As an example of such projects, we could name the project "Piloting a Model for Sustainable Employment of a Person with a Disability" — promotion and piloting a model of sustainable employment of persons with disabilities based on their abilities, covering persons from Skopje region (over 150 persons with disabilities were included in different trainings and other activities), the project "Promotion of Active Inclusion of Disadvantaged People from the Labour Market" — whose activities included persons with disabilities, the project "Centre for Employment of Persons with Disabilities", the project "Kitchen on Wheels" to create employment opportunities of people with disabilities, the project "Pilot Actions on Access to the Right to Work of Persons with Disabilities" etc.

National Implementation and Monitoring (Article 33)

Reply to question 57

142. In 2018, the existing bodies shall be replaced by one body in accordance with Article 31.1 of the Convention.

Reply to question 58

143. In 2018, due to the insufficient operation of the National Coordinative Body for Monitoring the Implementation of the UN Convention on the Rights of Persons with

Disabilities in the Republic of Macedonia (the body is stated in paragraph 307 of the initial report), an initiative was launched to establish a new national mechanism for monitoring the implementation of the UN Convention in the Republic of Macedonia, which shall operate within the Office of the Ombudsman. The body shall consist of three permanent employees, as well as three representatives of the civil sector, who shall be selected through a transparent public call. The Ombudsman shall pay a special attention to the inclusion of persons with disabilities among the body members. This initiative of the Ombudsman is under way and is expected to be finalized by the end of 2018, when the necessary legal framework is expected to be completed and the new monitoring body will become operational.